

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

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Illinois Commerce Commission
RAIL SAFETY SECTION

RIVERWOODS NORTH AURORA, L.L.C. and
VILLAGE OF NORTH AURORA, Kane County,
Illinois,

Petitioners

vs.

BURLINGTON NORTHERN AND SANTA FE
RAILWAY COMPANY

and

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION,

Respondents

No. T05-0013

Petition for an Order of the Illinois Commerce Commission authorizing the improvement of the existing grade crossing at Riverwoods Lane with the track of the Burlington Northern and Santa Fe Railway Company, in the Village of North Aurora, Kane County, Illinois, directing thereon the installation of automatic protection devices and re-construction of the crossing proper and dividing the cost among the parties herewith.

**RESPONSE TO MOTION FOR CONTINUANCE OF PUBLIC HEARING
MADE BY RESPONDENT, BNSF RAILWAY COMPANY**

Now comes Petitioner, RIVERWOODS NORTH AURORA, L.L.C. (hereinafter referred to as the "Riverwoods") by the Law Offices of Edward P. Graham, Ltd., its attorney and in response to the Motion for Continuance of Public Hearing made by Respondent, BNSF RAILWAY COMPANY ("BNSF"), represents to the Illinois Commerce Commission (hereinafter "Commission"), as follows:

1. That Riverwoods has no objection to the relief sought by BNSF in its Motion in consideration of the assertions cited therein.

DOCKETED

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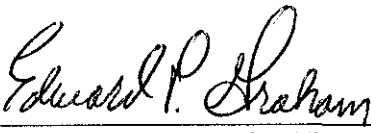
2. That in the interest of its development goals and schedule, Riverwoods requests that the Commission reset this matter for hearing on a date certain within two (2) to four (4) weeks of the original hearing date (April 7, 2005) set herein.

WHEREFORE, Petitioner, RIVERWOODS NORTH AURORA, L.L.C. respectfully prays that the Honorable Commission grant Respondent's motion and set this matter for hearing on a date certain within two (2) to four (4) weeks of April 7, 2005.

DATED at Naperville, Illinois this 30th day of March, 2005.

Respectfully submitted,

RIVERWOODS NORTH AURORA, L.L.C.


BY: EDWARD P. GRAHAM,
One of its Attorneys

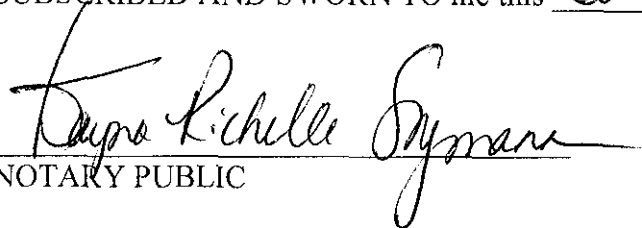
STATE OF ILLINOIS)
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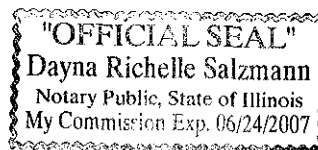
VERIFICATION

I, EDWARD P. GRAHAM, being duly sworn upon oath depose and say that I am counsel for Petitioner, Riverwoods North Aurora, L.L.C.; that I have read the foregoing Response by me subscribed and know the contents there of; that said contents are true in substance and in fact.


EDWARD P. GRAHAM

SUBSCRIBED AND SWORN TO me this 30th day of March, 2005.


NOTARY PUBLIC



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STATE OF ILLINOIS)
)
COUNTY OF DUPAGE)

PROOF OF SERVICE

I, Linette C Graham, hereby certify that I have served true and correct copies of the foregoing response to those individuals identified on the attached service list, by depositing them in envelopes properly stamped and addressed in the United States Mail in Naperville, Illinois on the 30th day of March, 2005.

Linette C Graham

SUBSCRIBED AND SWORN to before me this 30th day of March, 2005.

Dayna Richelle Salzmann
NOTARY PUBLIC

